

OREGON STATE POLICE
M-E-M-O-R-A-N-D-U-M

CONFIDENTIAL

To: Emil E. Brandaw, Superintendent

August 13, 1986

Re: PENITENTIARY INVESTIGATION

The Penitentiary investigation was launched on June 5, 1986. Two Correction Officers alleged that other Correctional Officers were violating the law, in addition to division rules and regulations. The principals in the allegations were [REDACTED], [REDACTED], [REDACTED], and Correction Officer [REDACTED]. The four individuals have either been arrested for crimes committed while being employed with the Corrections Division or are waiting dismissal hearings for violation of Correction rules and regulations.

It is the opinion of the investigation team that over the years a power structure developed under the leadership of [REDACTED]. This structure placed [REDACTED] and [REDACTED] in a position to control personnel in the Penitentiary operation. The power structure and mismanagement was concealed by the fact that other Correction employees could not survive if they bucked the system and had no other direction to turn with their complaints.

The retirement of Mr. [REDACTED] and Mr. [REDACTED] left the remaining individuals without the necessary influence to keep the power structure going. Shortly thereafter, complaints regarding personnel and Penitentiary operations began to surface, which eventually resulted in this investigation.

It is felt by the investigative team that the control group is no longer in existence and with administrative changes, the Penitentiary operation can be efficient with no further problems of this nature.

Recommendation:

A Personnel Review Officer be assigned to the Corrections Division Administrator's Office. This individual would be directly responsible to the Administrator and have authority to review and investigate at any Correction facility.

Our investigation revealed that very little information regarding personnel or operations was reaching the Administrator's Office. This roadblock of information was due to the fact that each facility views itself as a separate entity and not responsible to the entire system. Personnel problems were taken care of at those facilities as they saw fit without input or suggestions from Corrections Administration. This has resulted in many past problems not being reported or documented.

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Recommendation:

Persons applying for employment at a Correctional facility should be given a pre-employment drug screen. Background investigations are a must to ensure quality personnel. The hiring procedures should be reviewed to determine if additional credit should be given to applicants for prior Correction employment.

Due to the nature of the job, drug abusers should be identified prior to employment by drug screening. This could very well eliminate problems in the future. Our investigation has determined that selective persons were hired due to receiving high scores by falsifying education and prior employment information on their application. This information was taken at face value with no background investigation. Persons from other state institutions have been hired by this state and given preference on the hiring process due to their prior experience. This does not take into consideration if they were unsatisfactory employees in the other state. We question the value of this procedure.

Recommendation:

Review promotion system to determine if all safeguards have been taken and it is fair to all concerned.

We have received several statements from Correction employees that they had been offered or given promotion tests and answers prior to the testing date.

Recommendation:

Guideline for the use of an open account should be established. More than one person should establish the need to purchase on an open account and determine if, in fact, the item had been purchased and where it was assigned.

At the present time, the open accounts are not restricted to items purchased or the number of people authorized to use the accounts. It is nearly impossible to track the purchase and identify the item obtained.

Recommendation:

Disciplinary action should be taken when it is established that employees have violated rules and regulations of the Division.

Our investigation revealed that many rules and regulations were violated with no action taken by the Administration. Violations were either ignored or the problem person was transferred to another location.

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Recommendation:

The Penitentiary Farm Annex and the Penitentiary Tillamook Forest Camp should be reassigned and report directly to the Correction Division Administrator's Office.

At the present time, the Annex and Forest Camp report to the Penitentiary Superintendent. Due to the heavy work load at the Penitentiary, the other facility appear to have been given less attention, resulting in less than efficient operation at those facilities. This should reduce present roadblocks and establish better accountability.

Recommendation:

Establish a more efficient inventory control system on Correction property.

Our investigation revealed that property missing/stolen from the Penitentiary was difficult, if not impossible, to track down due to the system. Missing property was ignored by staff members, even though it was suspected of being stolen. The missing property did not generate any reports or documentation to that fact.

Recommendation:

A personnel complaint system that is fair and uniform should be established. If problems are resolved at a local level, it should be brought to the attention of the Administrator.

Our investigation indicated many prior problems that were not addressed were partially responsible for this investigation. Complaints by Correction officers at the lowest level were not addressed, or a satisfactory conclusion was never reached. Many of these personnel complaints were handled informally; no written reports were transmitted up through the chain of command. The Correctional officers were completely shut off at the first level. If their complaints did reach persons in a higher staff position, they were referred right back down to the local situation. There is a need to get information to the Administrator on personnel complaints whether the complaint was resolved at the local level or not.

Recommendation:

Control should be established on the use of telephones by inmates.

Our investigation has revealed that inmates are allowed to use the state phone system to call out-of-state on non-emergency matters.

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Recommendation:

In an effort to control contraband entering the Correction facility, a policy should be established where any persons entering the Correction facility is subject to search. A drug screening program for employees should be mandatory.

It has been established that Correction officers in the past have been responsible for trafficking narcotics into Correction facilities. If a search program on persons and items being brought into Institution facilities had been in place, it is doubtful we would have had the controlled smuggling into the institution by employees. Mandatory drug screening of employees would determine which members are actively using narcotics, which could result in criminal or disciplinary charges. It would also place employees on notice that the Correction Division will not tolerate this type of activity.

Recommendation:

The record keeping system at the Farm Dairy needs a complete overhaul and installation of a system that provides accountability for the operation.

The record keeping system at the Penitentiary dairy is nearly impossible to review and make a determination on the efficiency of the program. The calf accountability is non-existent, and the system does not provide any answers to questions of audit. The dairy operation is dependent on one individual with handwritten records that cannot be verified.

Recommendation:

Review security system and outside patrol at the Farm Annex to determine if security could be improved at that location.

Our investigation revealed that the outside patrol has very little supervision and is left to determine his own working activities. Other security systems should be reviewed such as, placing of alarms on the slaughter house, which would be activated after normal work hours.

Recommendation:

It is recommended that the Secretary of State audit the Correction Division record keeping system, with major emphasis being placed on the Farm records. The Secretary of State should provide knowledge and assistance to make improvements on the record keeping system so that it would have accountability and could be understood by all.

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In conclusion, the Correction Division has many dedicated employees that carry out their responsibilities in a professional manner. The establishment of safeguards should alleviate any future problems of this nature. The system is sound and should gain in strength as adjustments are made.

R. B. Madsen, Major
Criminal Division

RBM:slt

[REDACTED], [REDACTED]
DOB 11-08-34
WARDEN
NEVADA STATE PENITENTIARY
CARSON CITY, NEVADA

On August 4, 1986, at 8:40 a.m., Major R. B. Madsen interviewed [REDACTED] at the Chief's office, Nevada Highway Patrol, Carson City, Nevada.

Mr. [REDACTED] stated that he did gamble while employed with the Oregon Corrections system; however, he has never used a bookie, nor has the bets been of any magnitude. The highest bet he can remember is \$100. The majority of the bets he placed were with other staff members on a football pool that was organized weekly by Mr. [REDACTED]. At times, he would take part of a bet with [REDACTED] and other staff members if they did not want to cover the entire bet. He has heard rumors about his betting for quite some time and believes the inmates got the rumors started due to the fact he would ask inmates if they were any good at picking football wins; however, he never did find an inmate who could project over a 40 percent success rate. Mr. [REDACTED] stated many people bet at the institution; however, his betting was with close friends. He denies a large amount of money involved or the fact that a bookie was used.

He stated he did not use the state phone lines to place bets; however, he did use the state phone to call relatives in Oklahoma. He lived on state grounds and was furnished a free telephone where he could call anywhere in the United States, and it would not cost him a thing.

Mr. [REDACTED] has been a friend of [REDACTED] since he was 18 years old, and [REDACTED] was the best man at his wedding. Over the years, they have lost contact from time to time. There was a short time period that he did not see [REDACTED], except to run into him at the race track where [REDACTED] owned and raced horses. He has been to [REDACTED] house on numerous occasions and has met [REDACTED] at the [REDACTED] residence. He believes that she was from Oklahoma.

Mr. [REDACTED] stated he had received many calls from Oregon and has called Oregon numerous times during the recent penitentiary investigation. [REDACTED], a penitentiary inmate, has called him, and he still does to this day when his counselor lets him. Other inmates have called him in Nevada. In fact, one inmate, [REDACTED], who killed another inmate at the Oregon State Penitentiary, called him recently from segregation with Lieutenant [REDACTED] approval.

Mr. [REDACTED] stated he knows [REDACTED] was stealing cattle; however, he was never able to prove it. He made the statement to several people that if he was around long enough, he would prove [REDACTED] was stealing cattle from the farm annex. He based his suspicion on the fact that [REDACTED] was very good friends with an ex-correction officer by the name of [REDACTED]. At one time [REDACTED] and another individual was caught by [REDACTED], attempting to place a calf in the trunk of a vehicle. After being discovered, [REDACTED] did not put the calf in the vehicle, and [REDACTED] reported the incident. [REDACTED] stated [REDACTED] was gotten rid of because he was suspected of stealing cattle. Even after [REDACTED] was no longer working for Corrections, he still would come to the farm annex and meet with [REDACTED]. [REDACTED] knows [REDACTED] is stealing cattle, but he cannot back that up with proof.

[REDACTED] stated that [REDACTED] did not supply him meat for any barbecue held at his residence. He had heard the rumor that he, [REDACTED], and [REDACTED] picked up a half of beef from the annex, but that is just not true.

Many other rumors have circulated, and he is aware of the fact that rumor has it a stainless steel sink belonging to Corrections was put in the restaurant belonging to [REDACTED]'s wife. He helped [REDACTED] remodel the restaurant, and there was no stainless steel sink involved. He believed the State Police investigated those allegations.

[REDACTED] stated that he had no knowledge of the missing pool tables or foosball tables. In addition, he did not know that such equipment was at the institution.

[REDACTED] felt [REDACTED] statement to the State Police was simply an avenue to save his present employment. He did not direct [REDACTED] to hire anyone. He could not hire anyone, nor could [REDACTED]. If a temporary employee from another institution in the state system was to be interviewed by the penitentiary staff, the temporary employee's supervisor, at times, would call [REDACTED] and ask him to hire the individual if he gets down that far on the list and then transfer him to the institution requesting his employment. He did hire and immediately transfer temporary employees at the request of supervisors approximately 20 times. [REDACTED] was the personnel officer and was aware of this procedure, which was standard practice at the institutions.

[REDACTED] stated he has never given anyone questions or answers to promotion tests. He has talked to different individuals and encouraged them to study certain areas in preparation for the promotion testing.

██████████ is aware of ██████████'s vehicle accident (as was everybody else in the institution) on Madrona in the city of Salem. He did not make a report on the accident because it is not the policy of Corrections Division to investigate or write reports on accidents that have been investigated previously by police agencies. If he would have received a call from the investigating agency noting certain suspicions about the accident, he would request the State Police to investigate those suspicions. He is aware the truck was repaired at the institution. He said ██████████ should have taken care of the other person's vehicle damage through the state insurance program. The accident and repairs are common knowledge at the institution.

In reference to Correction Officer ██████████ statement that ██████████ told him to consider himself interviewed, ██████████ stated it was simply not true; and if it was, so what? ██████████ stated if he did so, it still would not be in violation of personnel rules. ~~This system is reviewed by Corrections personnel and is not in violation of personnel rules.~~

When ██████████ moved his residence from the penitentiary grounds to Oregon State Correctional Institution, he reported a portable television and a cable TV control box stolen from the residence at the penitentiary. Everything from the house had been moved except the TV and control box, which was left in the living room as he did not have enough room on the last load to take those two items with him. He returned to pick up the TV and control box, and it was gone. OSCI did not have cable TV facilities at ██████████ new residence. Mr. ██████████ submitted a ~~police report~~ and was not required to pay for the television and control box. He does not care what anyone says in regards to the TV and control box not being in the house when the last load of household goods was moved to OSCI. They were left behind due to the fact he did not have additional room to move them.

At the conclusion of the interview, ██████████ stated he would be willing to take a polygraph examination to clear up matters of concern regarding the penitentiary investigation. He did not want Nevada authorities to conduct the examination, and he would be willing to have Oregon authorities conduct the examination on September 3, 1986, when he would be in Oregon for the ██████████ hearing.

On August 5, 1986, at 2:20 p.m., writer contacted ██████████ in Nevada and informed him that the writer would be willing to send an Oregon State Police Polygraph Examiner to Carson City for his examination. ██████████ said he would not take a polygraph examination, and he thought he should get an attorney. Further, he did not believe he would be in Oregon for the ██████████ hearing.

R.B.M.

Major Renfrow:

The following arrests and /or convictions were made in 1986 as a result of investigations with the Corrections Department:

CAPTAIN STEVEN BUDREAU; arrested 7-14-86 for two separate cases of Theft I and Misapplication of entrusted property. According to the Marion County Circuit Court clerk I was advised the following is noted in their files:

Count 1, case #86C21217, plead guilty to Theft I, sentenced on 9-10-86 to: 3 years probation to the court, 250 hours of community service, \$559 restitution, \$15 per month supervision fee.

Count 1, case #86C21218, plead guilty to theft I, sentenced on 9-10-86 to: 3 years probation to the care of the Corrections Division.

Misapplication of entrusted property dismissed.

CORRECTIONAL OFFICER DANA DUDEK: arrested 9-22-86 for:

Conspiracy to deliver Controlled substances

Delivery of Controlled substances

Possession of Controlled substances

Venue is Clackamas County Circuit Court.

LIEUTENANT CHISM LEON FELKER: arrested 11-10-86 for;

Official Misconduct.

Venue is Tillamook County Circuit Court.

CORRECTION OFFICER JAMES DURANT: arrested for;

Theft II, three counts, found not guilty after trial in Marion County.